



**AMENDED**

**HISTORIC LANDMARK COMMISSION MEETING MINUTES  
1<sup>st</sup> FLOOR, CITY COUNCIL CHAMBERS  
CITY HALL BUILDING, 300 N. CAMPBELL  
FEBRUARY 24, 2014  
4:00 P.M.**

The El Paso Historic Landmark Commission held a public hearing in the City Council Chambers, 1<sup>st</sup> Floor, City Hall Building, February 24, 4:00 p.m.

The following commissioners were present:

Chairman David Berchermann

Vice-Chairman Edgar Lopez

Commissioner Randy Brock (4:04 p.m.)

Commissioner Cesar Gomez

Commissioner William C. Helm II

Commissioner John L. Moses

The following commissioners were not present:

Commissioner Beatriz Lucero

Commissioner Ricardo Fernandez

The following City staff members were present:

Ms. Providencia Velázquez, Historic Preservation Officer, City Development Department, Planning Division

Ms. Karla Nieman, Assistant City Attorney, City Attorney's Office

Chairman Berchermann called the meeting to order at 4:03 p.m., quorum present.

**CHANGES TO THE AGENDA**

*None.*

**I. CALL TO THE PUBLIC – PUBLIC COMMENT**

*None.*

**Mayor**

Oscar Leeser

**City Council**

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## II. REGULAR AGENDA – DISCUSSION AND ACTION

### Certificate of Appropriateness

1. **PHAP14-00003:** Being 30 Manhattan Heights w. 66 ft of 6, City of El Paso, El Paso County, Texas
- Location: 2801 Silver Avenue  
Historic District: Manhattan Heights  
Property Owner: James and Rachel Moreno  
Representative: James and Rachel Moreno  
Representative District: 2  
Existing Zoning: R-3/H (Residential/Historic)  
Year Built: 1950  
Historic Status: Contributing  
Request: Certificate of Appropriateness for the modification of masonry openings to accommodate new doors at the rear façade.
- Application Filed: 2/4/2014  
45 Day Expiration: 3/21/14

Ms. Velázquez gave a presentation and noted the property owner sought approval for a Certificate of Appropriateness for the modification of masonry openings to accommodate new doors at the rear façade. The property owners are proposing to install steel, double doors.

### STAFF RECOMMENDATION:

The Historic Preservation Office recommends **APPROVAL** of the proposed scope of work based on the following recommendations:

*The Design Guidelines for El Paso's Historic Districts, Sites, and Properties recommend the following:*

- *When repair is not feasible, door and window products will be reviewed on an individual basis using the following criteria: Architectural and historical compatibility; Comparison to the original profile; Level of significance of original doors and windows to the architectural style of the building.*
- *Installation of windows similar to the original in appearance and structural purpose, regardless of construction materials is permitted.*
- *Windows in secondary façades shall be reviewed on a case by cases basis.*

**Mayor**  
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*The Secretary of the Interior's Standards for Rehabilitation recommend the following:*

- *New work should be compatible with the character of the setting in terms of size, scale design, material, color, and texture.*
- *Designing new work to be compatible in materials, size, scale, and texture.*

Chairman Berchermann asked Ms. Velázquez if the proposed double doors could be seen from the right-of-way.

Ms. Velázquez replied it would depend on where you are standing.

Ms. Rachel Moreno, property owner, noted the proposed double doors would be made of steel, rather than wood; additionally, the proposed doors are substantially similar to the existing. The width of the opening will remain the same; however, the additionally masonry, below the window, will be removed to accommodate the door. The doors will be painted white.

Commissioner Gomez asked if the property owners were intending to install a concrete pad.

Ms. Moreno responded yes. She noted that the concrete pad was administratively approved.

**MOTION:**

*Motion made by Commissioner Helm, seconded by Commissioners Moses and Lopez*  
**AND UNANIMOUSLY CARRIED TO APPROVE BASED ON STAFF RECOMMENDATIONS.**

- 2. PHAP14-00004:**      Lots 20 and 21, Block 8, Manhattan Heights, City of El Paso, El Paso County, Texas
- Location:      2817 Wheeling
- Historic District:      Manhattan Heights
- Property Owner:      Virginia Guerrero
- Representative:      Virginia Guerrero
- Representative District:      2
- Existing Zoning:      R-4/H (Residential/Historic)
- Year Built:      1915
- Historic Status:      Contributing
- Request:      Certificate of Appropriateness for the partial enclosure of the front porch, after the fact.

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Application Filed: 2/11/14  
45 Day Expiration: 3/28/14

Ms. Velázquez gave a presentation and noted the property owner sought approval for a Certificate of Appropriateness for the partial enclosure of the front porch, after the fact. Without permits or approvals, the property owner built an addition by enclosing a portion of the porch. Ms. Velázquez stated the proposal was presented to commissioners at the January 7, 2013 Historic Landmark Commission meeting whereby commissioners unanimously *denied* the request. Subsequently, the property owner appealed the Commission's decision to the City Council on April 30, 2013. City Council upheld the Commission's decision and *denied* the appeal.

**EL PASO MUNICIPAL CODE – CHAPTER 20.20.080 G. Alterations and changes to landmarks and H-Overlay properties, Historic Landmark Commission Review**

**Chapter 20.20.080 G. 3.**

*If no action has been taken by the historic landmark commission within forty-five days of the receipt of a completed application, the application shall be approved as submitted, and a certificate of appropriateness shall be issued by the HLC. However, a certificate of demolition shall never be issued before the expiration of sixty days of receipt of a completed application.*

**Chapter 20.20.080 G. 5.**

*After a decision is reached by the historic landmark commission denying an application for certificate of appropriateness, **no application for a certificate of appropriateness for a given property may be resubmitted within twelve months from date of action by the HLC** unless the HLC finds a substantial change in conditions has occurred, or that applicant has resubmitted in conformation with section 3.*

Ms. Velázquez noted a year has passed since commissioners denied the proposal presented at the January 7, 2013 meeting. The property owner has come before the Commission to present her proposal once again. The property owner is submitting the same information to commissioners today as what was presented at the January 7, 2013 meeting.

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**STAFF RECOMMENDATION:**

The Historic Preservation Office recommends **DENIAL** of the proposed scope of work based on the following recommendation:

*The Design Guidelines for El Paso's Historic Districts, Sites, and Properties recommend the following:*

- *Enclosure of a porch is not appropriate.*
- *Introduce additions in locations that are not visible from the street-generally on rear elevations.*
- *Locate additions carefully so they do not damage or conceal significant building features or details.*
- *Design an addition so it is compatible in roof form, proportions, materials and details with the existing structure.*

*The Secretary of the Interior's Standards for Rehabilitation recommend the following:*

- *New construction will not destroy historic materials, features, and spatial relationships that characterize the property.*

Ms. Velázquez read into the record two letters opposing the request, from Mr. Ray Rutledge, of the Manhattan Heights Historic District and Mr. Craig Peters, Manhattan Heights Historic District.

Regarding the January 7, 2013 HLC meeting, Chairman Berchelman asked if commissioners had made any recommendations.

Ms. Velázquez responded no; however, after reviewing the proposal and construction (without permits) Commissioner Joel Guzman stated "While this is uncomfortable and sad, this is why we have guidelines." She reiterated no new changes have been proposed.

Commissioner Helm asked if the request was presented to City Council.

Ms. Velázquez responded yes, the property owner did appeal the Historic Landmark Commission denial decision to City Council. City Council upheld the Historic Landmark Commission decision to deny. City Council felt there was a possibility funding might be available to construct a separate addition, possibly in the rear. Unfortunately, the expense was greater than City Council had expected and no funding was available.

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Ms. Velázquez explained, once commissioners decide, the application must be presented to Zoning Board of Adjustments (Planning Division) due to the enclosure changing the front yard setback requirements.

Commissioner Lopez asked if the new enclosed area is now a bedroom.

Ms. Velázquez responded yes, it is.

Commissioner Moses asked if compassionate relief is within the purview of the Historic Landmark Commission.

Ms. Karla Nieman, Assistant City Attorney, explained compassionate relief is *not* within the Commission's purview to consider. She noted that City Council considered some sort of compassionate relief but unfortunately, no funding was available.

Commissioner Lopez asked to see a side view photo of the structure, with windows.

Commissioner Berchermann stated had the property owner discussed her proposal with Ms. Velázquez prior to construction, much anguish could have been avoided.

Ms. Virginia Guerrero, property owner, was present. Ms. Guerrero's daughter translated (Spanish/English) for her mother. Ms. Guerrero adopted four children, three with special needs that require separate areas (bedrooms). Ms. Guerrero realizes the façade looks bad and is willing to make modifications. Ms. Guerrero would like commissioners to consider her situation; additionally, Ms. Guerrero will present her request to City Council. If her request is not approved, Ms. Guerrero will look for alternate space to construct two bedrooms. Last year, Ms. Guerrero submitted a letter stating, to remedy the look of the façade, she proposed building a few feet back. This proposal would create a smaller bedroom; however, it would greatly enhance the exterior of the structure.

Commissioner Moses clarified the construction was not done by a licensed contractor.

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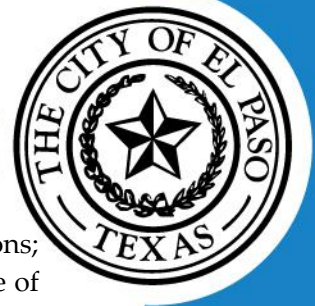
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Ms. Velázquez explained the contractor did not submit plans and/or elevations; therefore, City staff was unable to review any documentation for the issuance of permits.

Ms. Guerrero's daughter explained not only was that the contractor not licensed; additionally, the construction is not complete. At the time construction was halted just a portion of the electrical work was complete; additionally, no work had begun regarding the heating. The addition is too cold for the children to reside there. Everything was left as it was when the work was halted. City Council asked Ms. Guerrero to wait and see if there was a chance funding might be available to complete the construction.

Chairman Berchelmann asked if Ms. Guerrero was still waiting for an answer from City Council.

Ms. Guerrero explained that she had met with Representative Larry Romero. Representative Romero asked Ms. Guerrero to present her request to the Historic Landmark Commission again. Should the Commission deny the request again, Representative Romero would start over again. At this time, the structure is unlivable and empty.

Commissioner Gomez asked Ms. Velázquez if she had reviewed Ms. Guerrero's latest proposal.

Ms. Velázquez explained, last year, as part of the documents submitted, Ms. Guerrero did submit a plan which showed the wall back a few feet. However, for the request presented today, Ms. Guerrero had not mentioned that. Per the presentation photos, Ms. Velázquez explained where Ms. Guerrero had proposed constructing the wall.

Commissioner Lopez clarified the wall would be brought back a few feet but not be aligned with the original wall with the door and windows inside the porch. He thought the best solution would be having the wall align with the existing wall, door, and windows.

Ms. Guerrero's daughter responded if the wall were constructed as this plan proposed it would be increase the original space by about two feet, almost the same as it was originally.

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Ms. Velázquez noted the fee to appeal to the City Council is \$318.00.

Chairman Berchermann felt the best decision would be for Ms. Guerrero to appeal to the City Council.

#### **DISCUSSION AMONGST COMMISSIONERS**

Chairman Berchermann noted, with this request, the applicant has not submitted any new information. All documents are the same as what was presented last year.

Ms. Velázquez reiterated, if approved, commissioners must state why the request would be appropriate.

Commissioner Lopez was unsure if other solutions had been explored, such as utilizing the dining room space. He felt approving the request would set a precedent in the neighborhood.

Ms. Velázquez agreed.

Commissioner Helm suggested moving the wall between the living room and the bedroom (porch) in order to create living space.

Commissioner Lopez suggested creating a hallway between the dining room and the kitchen would create more space for bedroom no. 2.

Chairman Berchermann asked Ms. Velázquez when the application would expire.

Ms. Velázquez responded March 28, 2014. She explained if new information was being presented the applicant could bypass the Commission and go straight to the City Council. However, since no new information was being presented the request was again presented to the Commission. Should commissioners deny the request, the property owner may again appeal to the City Council. Perhaps the property owner would consider Commissioner Lopez' proposal, which is to reexamine the interior space and bring the wall back. Had the property owner initially presented a proposal(s) similar to Commissioner Lopez', commissioners would have been more inclined to approve. The application will expire March 28, 2014.

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Ms. Guerrero's daughter asked Ms. Velázquez what happens after the March 28, 2014 deadline.

Ms. Velázquez explained, unless the property owner withdraws her request, commissioners must make a decision before the March 24 ~~28~~, 2014 *meeting*. ~~deadline~~. Should commissioners not make a decision before the deadline, the request is automatically approved, per the Code.

Ms. Guerrero's daughter explained Representative Larry Romero told her and her mother to come prepared for the Historic Landmark Commission to deny the request. Additionally, he told them that City Council would help them. When she and her mother appealed the Commission's decision last year, City staff visited the home and made suggestions; however, nothing came of that. The plan has always been to fix the existing construction and find another space. Should the Commission deny the request today, that does not mean that City Council would not find a way to help; however, that also does not mean they will.

Chairman Berchelmann reiterated the fee to appeal to the City Council is \$318.00.

Ms. Guerrero's daughter understood. She explained that should the Commission deny the appeal today, she and her mother would not appeal that decision to the City Council. Instead, she and her mother would come to City Hall to ask for help in fixing the situation, basically, for funding.

Chairman Berchelmann was confused as to why Representative Romero had requested the Guerreros come before the Historic Landmark Commission again.

Ms. Guerrero stated the city has no funds to help her.

Ms. Velázquez added, yes, that statement is accurate. One of the reasons the City could not rectify the situation is because the cost to bring the addition up to code was estimated at \$55,000.00. The City does not have that kind of money. That may explain why the Representative asked her to come before the Commission, it was assumed commissioners would deny the request as there has been no change(s) in the documents submitted. Ms. Velázquez noted that Commissioner Lopez' suggestion is feasible.

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Commissioner Helm commented on possible solutions for the property owner:

1. To withdraw the request; and/or
2. To appeal the Commission's decision to City Council.

Ms. Velázquez explained should the applicant withdraw the request, she would be unable to appeal to the City Council. The applicant can appeal to City Council only if the Commission makes a decision. The applicant has until the expiration date, March 28, 2014, to find other alternatives.

Ms. Velázquez suggested commissioners ask the applicant to consider an alternate plan, come back in two weeks with new drawings, plans, elevations, etc. for review.

Chairman Berchelmann asked Ms. Guerrero's daughter if her mother would consider the suggestion, or a variation of that, made by Commissioner Lopez

Ms. Guerrero's daughter responded yes and added that her mother brought alternate plans with her today.

Ms. Velázquez noted she has not reviewed those plans and could not make a recommendation. She suggested commissioners postpone the request to the next meeting which would allow Ms. Velázquez the opportunity to review the plans, suggest materials and colors and request Ms. Guerrero submit elevation plans. Commissioners need to know what materials are being proposed. Additionally, is the entrance or window or wall facing the front, how far back can Ms. Guerrero construct that wall, what about the two feet and/or reconsideration of other spaces? Ms. Velázquez stated there are numerous questions to consider.

Commissioner Moses wondered if this would all be mute considering the applicant does not have the funding.

Ms. Velázquez explained Certificates of Appropriateness have no expiration date. Commissioners could recommend the applicant correct the situation in a certain time period or come back before the Commission for reconsideration.

Chairman Berchelmann would like commissioners to implement a plan that would the applicant could work with.

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Prior to the March 10, 2014 meeting, Ms. Velázquez asked that the Guerreros come to her office and submit the paperwork. She would review those documents and make a recommendation prior to the next meeting. Ms. Velázquez will offer suggestions regarding materials, colors, plans, etc.

**MOTION:**

*Motion made by Chairman Berchelmann, seconded by Commissioner Brock AND UNANIMOUSLY CARRIED TO POSTPONE PHAP14-00004 TO THE NEXT SCHEDULED MEETING, ON OR BEFORE MARCH 28, 2014. COMMISSIONERS WOULD LIKE TO SEE NEW PLANS, ELEVATIONS, AND MATERIALS.*

3. Addresses of property HLC commissioners have requested that HLC staff review or investigate and provide a report to the HLC. If no addresses are submitted in advance and listed under this agenda item, commissioners may announce such addresses under this agenda item. Discussion on property announced at this meeting will take place during the next regularly scheduled meeting. February 24, 2014 deadline for HLC members to request for agenda items to be scheduled for the March 10, 2014 meeting. March 10, 2014 deadline for HLC members to request for agenda items to be scheduled for the March 24, 2014 meeting.

**UPDATE REGARDING THE PROPERTY LOCATED ON YANDELL**

Ms. Velázquez explained she sent another email to Code Enforcement staff, her second; however, she has still not received a response. She stated she will send yet another email which would make it the third e-mail to Code Enforcement.

**HLC Staff Report**

4. Update on Administrative Review Cases since the last HLC meeting for the properties listed on the attachment posted with this agenda.

Chairman Berchelmann asked commissioners if they had any comments and/or questions for staff. *There were none.*

**MOTION:**

City Development Department – Economic Development Division  
P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-1567

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**AMENDED**

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*Motion made by Commissioner Helm, seconded by Commissioner Brock AND UNANIMOUSLY CARRIED TO APPROVE THE HLC STAFF REPORT.*

**Other Business**

5. Approval of Regular Meeting Minutes for February 10, 2014

Chairman Berchelmann asked commissioners if they had any additions, corrections, and/or revisions for staff. *There were none.*

**MOTION:**

*Motion made by Commissioner Moses, seconded by Commissioner Brock AND UNANIMOUSLY CARRIED TO APPROVE THE REGULAR MEETING MINUTES FOR FEBRUARY 10, 2014.*

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**PRIOR TO ADJOURNING:**

Regarding the property located at 2817 Wheeling, Commissioner Moses recalled the initial construction was done with City grant monies.

Ms. Velázquez responded no. She explained the property owner received some monies from the Department of Community Development for roofing, HVAC equipment, some electrical, and some other things. She understood that when the property owner asked Community Development about constructing the addition the Department told her they would not give her any monies for that. Additionally, Community Development Department staff informed Ms. Guerrero that she had to apply for the proper permits. The Community Development Department monitors the expenditure of their monies very closely. Ms. Velázquez thought perhaps the property owner had utilized her own monies to partially enclose the front porch.

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**MOTION:**

*Motion made by Chairman Berchelmann, seconded by Commissioner Moses AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 4:44 P.M.*

**Mayor**

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